

REMARKS

This application has been reviewed in light of the Office Action mailed on October 18, 2007. Claims 1-28 are in the application; claims 17, 18 and 28 have been withdrawn from consideration by the Examiner as being directed to a non-elected invention. Claims 1-16 and 19-27 are now presented for examination. Favorable review is respectfully requested.

Independent claims 1, 9, 19 and 27 recite communication of an image at a frame rate scalable in accordance with a number of **dropped frames** depending on whether a previous image has been received. In the embodiment described in the specification (paragraph 80), the frame rate is said to undergo "graceful degradation" in accordance with dropping of image frames from transmission. Image communication with **dropped frames** clearly involves a reduction in the frame rate (see specification, paragraph 83).

Claims 1-16 and 19-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Parker et al.(U.S. Pat. No. 6,677,976) in view of Lowthert (U.S. Pat. No. 5,832,300) and further in view of Kato (U.S. Pat. No. 6,539,001; the Office Action incorrectly gave the number of the patent as 6,539,007). The applicants respectfully submit that amended independent claims 1, 9, 19 and 27 are patentable over the cited art, for the following reasons.

Claim 1 is directed to a method in which an image is communicated to a first user from a second user at a frame rate and at an image quality. It is a feature of claim 1 that the frame rate is scalable in accordance with a number of dropped frames depending on whether a previous image has been received.

As noted in the Office Action, neither Parker et al. nor Lowthert teach or suggest a frame rate being scalable in accordance with a number of dropped frames. The Office Action cites Kato as teaching this feature. Kato is understood to disclose a system in which an image compression ratio is varied, either stepwise (Kato, col. 14, lines 10-17) or continuously (col. 14, lines 41-45), depending on whether a user is running a data application, or the rate at which a user is inputting data to that application. Kato explicitly states (col. 6, lines 45-48; col. 14, lines 14-15; col. 15, lines 47-49) that this is done to avoid any decrease in the frame rate; that is, to avoid dropped frames. This is

exactly contrary to the above-noted feature of claim 1. Kato does not teach, suggest or disclose causing an image to be communicated at a frame rate scalable in accordance with a number of dropped frames. The Kato reference thus cannot form the basis of a proper rejection under 35 U.S.C. § 103, as it fails to cure the deficiencies of the other references in the proposed combination.

Since Kato fails to teach, suggest or disclose the above-noted claim feature, Kato does not remedy the admitted defects of Parker et al. and Lowthert as references against claim 1. A combination of Kato with Parker et al. and Lowthert would yield a system for transferring images in which a constant frame rate is maintained, with a minimum image quality based upon a reserved bandwidth and a variable image compression ratio. This combination does not teach, suggest or disclose the above-noted feature of claim 1, and in fact teaches away from a frame rate which is scalable in accordance with a number of dropped frames. Accordingly, the combination of Kato with Parker et al. and Lowthert cannot form the basis of a proper rejection under 35 U.S.C. § 103.

Independent claims 9, 19 and 27 also recite the above-noted feature, in terms similar to claim 1. These claims are believed to be patentable over Parker et al., Lowthert and Kato, or a combination thereof, for the same reasons.

The Office Action states (page 9, second paragraph) that claim 27 was “rejected under 35 U.S.C. § 103(a) as anticipated by Fukasawa et al. (U.S. Pat. No. 6,377,989),” and then goes on to discuss a combination of Fukasawa et al. and Kato. The applicants understand these statements as an obviousness rejection of claim 27 over a combination of the two cited references. It is respectfully submitted that claim 27 is patentable over the cited art, for the following reasons.

The Office Action states that Fukasawa et al. does not teach that the frame rate is scalable in accordance with a number of dropped frames, depending on an indication whether a previous image has been received. It follows that Fukasawa et al. cannot teach, suggest or disclose passing an image at a frame rate scalable in accordance with a number of dropped frames depending on that indication, and cannot form the basis of a proper § 103 rejection of claim 27. Furthermore, as discussed above, Kato does not teach, suggest or disclose this feature, and does not remedy the defect of Fukasawa et al. as a reference against claim 27. A combination of Kato with Fukasawa et al. thus cannot form the basis

of a proper § 103 rejection of claim 27. Accordingly, claim 27 is neither anticipated nor rendered obvious by Fukasawa et al., Kato or a combination thereof.

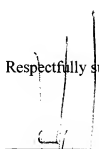
The other claims now under consideration in the application are each dependent from one or another of the independent claims discussed above and are believed to be patentable at least for the same reasons. Since each dependent claim is deemed to define an additional aspect of the invention, however, the consideration of each claim on its merits is respectfully requested.

In view of the foregoing remarks, the applicants respectfully request favorable consideration and early passage to issue of the present application.

The Commissioner is hereby authorized to charge any fees which may be required for this Amendment to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 32361.

Respectfully submitted,



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Date: October 29, 2007

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